

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION**

STATE OF INDIANA ex rel.)	
Attorney General STEPHEN CARTER,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:04-CV-001 RLY-WGH
)	
FOXFIRE, LLC,)	
d/b/a Institute of Natural Health,)	
d/b/a Premier Products,)	
)	
PHILLIPS NUTRITIONALS, INC.)	
d/b/a Institute of Natural Health,)	
d/b/a Foxfire Corporation,)	
d/b/a Premier Products,)	
)	
WAYNE PHILLIPS,)	
individually and as a manager)	
and owner of Foxfire, LLC and)	
as an officer and director of)	
Phillips Nutritionals, Inc.,)	
)	
and)	
)	
ANITA PHILLIPS,)	
individually and as a manager)	
and owner of Foxfire, LLC and)	
as an officer and director of)	
Phillips Nutritionals, Inc.,)	
)	
Defendants.)	

PERMANENT INJUNCTION AND FINAL JUDGMENT AS TO ALL DEFENDANTS

Plaintiff, State of Indiana, by counsel Attorney General Stephen Carter and Deputy Attorney General Justin G. Hazlett, and Defendants Foxfire, LLC, Phillips Nutritionals, Inc., Wayne Phillips, and Anita Phillips, by counsel Douglas W. Patterson, stipulate and consent to

the entry of this Permanent Injunction and Final Judgment as to All Defendants. The parties have stipulated to the entry of this Permanent Injunction and Final Judgment as to All Defendants without the taking of proof and without it constituting evidence or an admission by Defendants regarding any issue of fact alleged in the Complaint, and without Defendants admitting any liability. The Court has considered this civil action and the pleadings in it, and hereby **ORDERS, ADJUDGES, AND DECREES** that:

1. This Court has jurisdiction over the subject matter of, and the parties to, this civil action.

2. The injunctive provisions of this Permanent Injunction and Final Judgment as to All Defendants apply to Defendants and to their agents, assigns, employees, and representatives; to all persons acting by, through, under, or on behalf of Defendants; and to all persons acting in concert with or participating with Defendants who have actual or constructive knowledge of this Permanent Injunction and Final Judgment as to All Defendants.

3. Defendants, jointly and severally, are permanently enjoined and restrained from planning, implementing, conducting, or otherwise participating with in any way any telemarketing campaign directed to or soliciting orders from individuals purchasing goods or services for primarily personal, family, or household purposes (hereinafter referred to as “consumers”). This provision shall not be construed to prohibit Defendants from engaging in wholesale transactions with third party suppliers.

4. Defendants, jointly and severally, are permanently enjoined and restrained from:

- a. Violating Ind. Code § 24-5-0.5-3(a)(8) by misrepresenting to any consumer that a consumer transaction provides the consumer with the right to receive and use product for a trial period without incurring more than shipping and handling charges;

by misrepresenting to any consumer, any consumer's financial institution, or any other person either 1) that a consumer whose account Defendants charge has authorized Defendants to submit the charge or 2) that a consumer whose account Defendants charge is obligated to pay the charge submitted by Defendants; by otherwise misrepresenting that any consumer transaction involves a right or obligation that Defendants know or reasonably should know the transaction does not involve; or in any other way;

b. Violating Ind. Code § 24-5-0.5-3(a)(1) by misrepresenting that the subject of any consumer transaction includes the characteristic or benefit of providing any consumer the right to receive and use product for a trial period without incurring more than shipping and handling charges; by otherwise misrepresenting that the subject of any consumer transaction has a characteristic or benefit that Defendants know or reasonably should know the subject of the consumer transaction does not have; or in any other way;

c. Violating Ind. Code § 24-5-0.5-3(a)(14) by engaging in the replacement of product without a consumer's authorization, when Defendants know or reasonably should know that the consumer has not authorized such replacement; or in any other way;

d. Violating Ind. Code § 24-5-0.5-3(a)(7) by misrepresenting third party sponsorship, approval, or affiliation in any consumer transaction; or in any other way;

e. Violating any other provision of Indiana's Deceptive Consumer Sales Act, currently codified at Ind. Code §§ 24-5-0.5-1 through -12; and

f. Submitting any charge to any consumer's credit card, bank, or other financial account without express authorization from that consumer, or contrary to the terms set forth in the solicitation made by Defendants or Defendants' representative to the consumer.

5. Defendants shall pay consumer restitution, shall pay to the Indiana Attorney General's consumer protection fund, and shall pay the costs of the Attorney General's investigation and prosecution of this matter as set forth in the Recitation of Terms of Agreement Reached Through Mediation, attached hereto as Exhibit A.

6. This Court retains jurisdiction over this matter for the purpose of enabling any party to this Permanent Injunction and Final Judgment as to All Defendants to apply to the Court at any time for such further orders and directions as may be necessary and appropriate for the construction or carrying out of the Permanent Injunction and Final Judgment as to All Defendants, for the modification of any of the injunctive provisions of it, for the enforcement of compliance with it, or for the punishment of violations of it.

7. By stipulation of all parties filed with this Court, Defendants have acknowledged and waived their right to appeal from the issuance and contents of this Permanent Injunction and Final Judgment as to All Defendants. Based upon this stipulation, the Court finds that such waivers, being knowingly, intelligently, and voluntarily made, are valid and, accordingly, further orders that no appeal be taken from the issuance and contents of this Permanent Injunction and Final Judgment as to All Defendants.

8. There is no just reason for delay and the clerk shall enter this Permanent Injunction and Final Judgment as to All Defendants immediately.

9. This Permanent Injunction and Final Judgment as to All Defendants shall take effect immediately upon its entry.

Dated: 01/23/2007



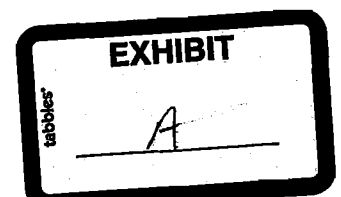
RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

**RECITATION OF TERMS OF AGREEMENT
REACHED THROUGH MEDIATION**

On November 10, 2005, the State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Justin G. Hazlett, and Wayne Phillips, Anita Phillips and Foxfire, LLC, by counsel, Douglas W. Patterson, participated in mediation conducted by Mediator Attorney James Knauer. As a result of this mediation and in consideration of the terms set forth below, the State of Indiana agrees to refrain from filing any claim in the bankruptcy case of Wayne Phillips.

The parties further agree as follows:


1. Full consumer restitution shall be paid to the 610 consumers listed on the attached Exhibit A from approved claims in the the Foxfire, LLC bankruptcy estate.
2. Anita Phillips shall, no later than January 5, 2006, deposit into an escrow account \$130,000.00. This escrow account shall be held by trustee Stacy Wissell. The monies in this account shall be used to pay the claim of any consumer who has not received full consumer restitution from Foxfire, LLC, Wayne Phillips, Anita Phillips, or Phillips Nutritionals, Inc. Monies so paid shall be payable to the 610 consumers identified by the State of Indiana on the attached Exhibit A. If the escrowed funds shall be more than sufficient to satisfy consumer restitution claims of the consumers listed on Exhibit A, any remaining balance shall be released to Anita Phillips.
3. For each consumer determined by the State of Indiana to have not received a refund as of November 10, 2005, Anita Phillips shall pay \$50.00 to the Attorney General's Consumer Protection Fund. Said funds shall be payable for consumer protection purposes at the Attorney General's discretion.
4. Anita Phillips shall pay to the office of the Attorney General, no later than January 5, 2006, a lump sum payment of \$20,000.00 as costs of the Attorney General's investigation and prosecution of the State of Indiana's District Court case against defendants and bankruptcy cases of Foxfire, LLC and Wayne Phillips.




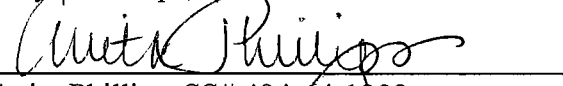
5. Defendants shall sign the Stipulation as to Entry of Permanent Injunction and Final Judgment as to all Defendants, attached as Exhibit B.

AGREED TO THIS 10th day of November, 2005.


STATE OF INDIANA
Attorney General Steve Carter


By: 
Justin G. Hazlett
Deputy Attorney General
Atty No. 22046-49


Wayne Phillips, SS# 219-46-2386


Anita Phillips, SS# 494-64-1309

FOXFIRE, LLC

By: 
Wayne Phillips, Managing Member


Douglas W. Patterson
Attorney for Wayne Phillips, Anita Phillips
And FOXFIRE, LLC
Atty No. 14625-82

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State's List of Consumer Victims

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
Frances Todd		\$2,000.00	consumer
Sandra Dailey		\$902.00	consumer
Crystal Sittler		\$900.00	consumer
Rafael Calderon		\$878.00	consumer
Marisa L. Thompson		\$875.00	consumer
Ruby Knox		\$850.00	consumer
Denis Backus		\$700.00	consumer
Jahmela P. Panlho		\$675.00	consumer
Marlys Larsen		\$662.75	consumer
Elizabeth Fowler		\$645.00	consumer
Kim Arnold		\$643.00	consumer
Judy Jakubak		\$624.00	consumer
Ramona Brundage		\$624.00	consumer
Shem Schroeck		\$600.00	consumer
Catherine Mowery		\$589.00	consumer
Eugene Mosdicki		\$584.25	consumer
Marvin Pederson		\$584.25	consumer
Paul Vanaman		\$584.00	consumer
Phyllis T. Sink		\$582.47	consumer
William Blume		\$576.00	consumer
John Walsh		\$576.00	consumer
Carol Souza		\$576.00	consumer
Judith Goetz		\$576.00	consumer
Denise Spang		\$574.88	consumer
Deborah Sproles		\$567.00	consumer

State's List of Consumer Victims

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
Kawana Clay		\$550.00	consumer
Donald Dent		\$548.26	consumer
Donna Moore		\$522.25	consumer
Amanda Restrepo		\$500.00	consumer
Dianne Britting		\$500.00	consumer
Carolyn Matthews		\$500.00	consumer
William Derenge		\$500.00	consumer
Maria Allen		\$496.32	consumer
Kim Levan		\$489.75	consumer
Victor Bird		\$488.00	consumer
Alma Jones		\$481.50	consumer
Monte W. Thompson		\$481.50	consumer
Alan Andersen		\$481.50	consumer
Shelby Sherman		\$478.50	consumer
Paul Patton		\$478.00	consumer
Michelle Collins		\$478.00	consumer
Addie Carroll		\$475.00	consumer
Sophie Larson		\$473.25	consumer
Debbie Lewis		\$473.25	consumer
Anna Louise Fox		\$473.25	consumer
Hengameh Kiani		\$473.25	consumer
Franchelle Mathews		\$473.25	consumer
Steve Hooper		\$473.25	consumer
Kim Dobson		\$473.25	consumer
Dudley Campbell		\$473.25	consumer

State's List of Consumer Victims

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
Francee Terrana		\$473.25	consumer
Larry Rodebaugh		\$473.25	consumer
Alan Brasseur		\$473.25	consumer
Edna Carbajal		\$473.25	consumer
Lynne Beard		\$473.25	consumer
Mary Nunn		\$473.25	consumer
Patricia Milner		\$473.25	consumer
Emily Lenti		\$473.25	consumer
Mohammed Ganai		\$473.25	consumer
David P. Grant		\$473.25	consumer
Steven Hessel		\$473.25	consumer
Barbara Bridges		\$467.00	consumer
Jane Mohron		\$465.00	consumer
Lucia Hernandez		\$462.00	consumer
Annie Raines		\$462.00	consumer
Jennifer Hampton		\$462.00	consumer
Lydia Herb		\$455.25	consumer
Rita J. Chalouhi		\$455.25	consumer
Mandy Alford		\$455.25	consumer
Warren Hollyfield		\$450.00	consumer
Cynthia Headrick		\$442.00	consumer
Chad Weigel		\$428.75	consumer
Kathryn Rhyne		\$425.25	consumer
Lois Brown		\$424.00	consumer
Michele Sharpe		\$420.00	consumer

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
Kevin Coulson		\$410.50	consumer
Patricia Brown		\$400.00	consumer
Alexander Panti		\$400.00	consumer
Kurt Bruinier		\$400.00	consumer
Kenneth Milton		\$399.00	consumer
Judith Cronin		\$391.50	consumer
Kerstin Nyman		\$391.50	consumer
Vicky Jagaca		\$383.50	consumer
Karon Doshier		\$375.00	consumer
Mary Garcia		\$368.25	consumer
Sandy Smith		\$368.25	consumer
Patricia Blair		\$360.00	consumer
Yan Shi		\$359.00	consumer
Vera McWhite		\$359.00	consumer
Bradford Crist		\$359.00	consumer
Lionel Gaïant		\$357.20	consumer
Leslie Johnson		\$352.80	consumer
Jarvis Maxey		\$352.50	consumer
Sally Chvilicek		\$352.50	consumer
John Portell		\$352.50	consumer
Andrea Morenz		\$352.00	consumer
Jean Leasure		\$352.00	consumer
Terry Milligan		\$350.00	consumer
Vivien Griggs		\$337.50	consumer
Heather West		\$325.50	consumer

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
Jody Johnson		\$322.50	consumer
David Martines		\$300.00	consumer
Tanesha Thompson		\$293.00	consumer
Christina Craanen		\$288.22	consumer
Caroline Perry		\$278.00	consumer
Karen Jackson		\$278.00	consumer
Dawn Burkholder		\$271.50	consumer
Tanya Chamberlain		\$271.50	consumer
Shelley Frazier		\$271.50	consumer
Christine Gerard		\$267.00	consumer
Kathy Frantz		\$256.50	consumer
Joan Coop		\$250.75	consumer
Sharon Denny		\$249.00	consumer
Annette Beck		\$249.00	consumer
Brenda Bomemeier		\$248.75	consumer
Ruth Johnson		\$248.00	consumer
Alan Turnier		\$248.00	consumer
Dianne Rose		\$237.50	consumer
Barbara Portantino		\$228.85	consumer
Heather Walker		\$216.00	consumer
Gabriel Kook		\$201.75	consumer
Rose Richardson		\$200.00	consumer
Juliet Nelson		\$200.00	consumer
James F. Shores		\$200.00	consumer
Sara Harris		\$200.00	consumer

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
Myra Dee Simmons		\$200.00	consumer
Gretchen Oldberg		\$199.00	consumer
Janet Probst		\$196.00	consumer
Eleanor Brandenburg		\$189.75	consumer
Kirsten Dekker		\$169.75	consumer
Jon Sunday		\$169.00	consumer
Verda Raley		\$160.25	consumer
Phyllis Cowart		\$156.00	consumer
Patricia Chlasson		\$155.50	consumer
Carol Glascock		\$155.50	consumer
Betty Van Dam		\$155.50	consumer
Roberta Harper		\$155.00	consumer
James Wines		\$152.95	consumer
Audrey Abemathy		\$151.75	consumer
Lorraine Kirsten		\$150.75	consumer
Myra Sparling		\$150.75	consumer
Anthony Butler		\$150.75	consumer
Dudley Kardell		\$150.75	consumer
Danielle Carmody		\$150.75	consumer
Sondra G. Obstein		\$150.75	consumer
Julie Bingham		\$150.75	consumer
Melanie Dummman		\$150.75	consumer
Peggy Newby		\$150.75	consumer
Thelma Webb		\$150.75	consumer
Ahmed Elshami		\$150.75	consumer

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
Melissa McGough		\$150.75	consumer
April Woodall		\$150.75	consumer
Kala Gostian		\$150.75	consumer
Stacy Winniman		\$150.66	consumer
Craig Field		\$150.00	consumer
Brooke M. Gassett		\$150.00	consumer
Shadee Ardalan		\$150.00	consumer
Maxine Holley Jarnigam		\$150.00	consumer
Joyce Calder		\$150.00	consumer
Norman Litaleen		\$150.00	consumer
Christine Feinstein		\$150.00	consumer
Judith Wilkinson		\$150.00	consumer
Alyssa Lotorto		\$150.00	consumer
Gale Derrick Ungee		\$150.00	consumer
Roger Beegle		\$149.95	consumer
Elizabeth Johnson		\$149.95	consumer
Roberta Franta		\$149.00	consumer
Louise Denny		\$147.00	consumer
Mary Kratz		\$147.00	consumer
Cindy Croft		\$145.50	consumer
Jim Wormington		\$125.00	consumer
Andria Armour		\$125.00	consumer
Adrea O. Nuti		\$121.75	consumer
Joseph Linger		\$118.00	consumer
Norita Kress		\$117.00	consumer

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
Janice Taylor		\$117.00	consumer
Darrell Reeves		\$115.00	consumer
Denver Jafferson		\$115.00	consumer
Julie Jennings		\$105.00	consumer
Gary Meadows		\$102.75	consumer
Luis Zelada		\$102.75	consumer
Judy Grunke		\$101.75	consumer
Alicia Poladian		\$100.00	consumer
Elizabeth Gordy		\$100.00	consumer
Sarah Ingalls		\$99.00	consumer
Zachary Niebruegge		\$95.00	consumer
Dimitriy Smolyanskiy		\$89.00	consumer
Carole Yano		\$85.00	consumer
Sergio Ibarra		\$80.00	consumer
Cheryl Knight		\$78.00	consumer
Dodd Roth		\$76.00	consumer
Melanie McKay		\$69.95	consumer
Ricci Kenney		\$67.25	consumer
Moana Schwertsik		\$66.00	consumer
David Emery		\$50.00	consumer
Amy Congodn		\$50.00	consumer
Margie S. O'Neill		\$43.50	consumer
Richard Tibbetts		\$40.00	consumer
Mary Tullos		\$25.00	consumer
Lorie Trachtenberg		\$6.50	consumer

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
Joan Green		\$4.75	consumer
Janet Bolton		\$0.00	consumer
Ryan K. Brown		\$0.00	consumer
Susan Gandara		\$0.00	consumer
Carol Cozzolino		\$0.00	consumer
Michelle Pridgen		\$0.00	consumer
Mary Gibson		\$0.00	consumer
Sheena Struble		\$0.00	consumer
Shonelle Walcott		\$0.00	consumer
Tony Ross		\$0.00	consumer
Paul Saracino		\$0.00	consumer
Willie Johnson		\$0.00	consumer
James T. Hendrix		\$0.00	consumer
Chanda Tavoloni		\$0.00	consumer
Ashley Pendergrass		\$0.00	consumer
DeeAnn Thomason		\$0.00	consumer
Brenda Tate		\$0.00	consumer
Connie L. Winans		\$0.00	consumer
Catherine Hawkins		\$0.00	consumer
Jay Burwell, Jr.		\$0.00	consumer
Shannon Hein		\$0.00	consumer
Michael Karns		\$0.00	consumer
Chester Schossow		\$0.00	consumer
Ann Strader		\$0.00	consumer
Shellie M. Wood		\$0.00	consumer
Eileen Peoples		\$0.00	consumer

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addreses	Amount Owed	Role In Case
William Rogister, Jr.		\$0.00	consumer
LewEllyn Hallett		\$0.00	consumer
Damon Wisdom		\$0.00	consumer
Cathy Sanders		\$0.00	consumer
Antonio Castillo		\$0.00	consumer
Mehtar Sullivan		\$0.00	consumer
Sandra Flint		\$0.00	consumer
Eric Varela		\$0.00	consumer
Krista Story		\$0.00	consumer
Beverly Aranda		\$0.00	consumer
Gregory Hoffa		\$0.00	consumer
Shannon Butler		\$0.00	consumer
Colleen Geis		\$0.00	consumer
Jeffrey Johnson		\$0.00	consumer
April Gosney		\$0.00	consumer
Loyce Johnson		\$0.00	consumer
Charith Owen		\$0.00	consumer
Marie Wilbur		\$0.00	consumer
Dyan Del Campos		\$0.00	consumer
Dawn Hicks		\$0.00	consumer
Rosie Reyna		\$0.00	consumer
Eilene Buch		\$0.00	consumer
Barbara Smith Griffin		\$0.00	consumer
William B. Erlich		\$0.00	consumer
Judy Skaggs		\$0.00	consumer
Belinda Cogburn		\$0.00	consumer
Mary Johnson		\$0.00	consumer

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
Tiffanie Della		\$0.00	consumer
Jennifer Gagne		\$0.00	consumer
Ireneusz Swiecki		\$0.00	consumer
Diane Strother		\$0.00	consumer
Geri DeLuca		\$0.00	consumer
Mike Halbert		\$0.00	consumer
Veronica Martin		\$0.00	consumer
Paul Nicholson		\$0.00	consumer
Sheila Thomas		\$0.00	consumer
James Hancock		\$0.00	consumer
Tammy Maxwell		\$0.00	consumer
Paula Volkenant		\$0.00	consumer
Mark Preston		\$0.00	consumer
Sherry Temple		\$0.00	consumer
Laura Fuller		\$0.00	consumer
John R. Hilbert		\$0.00	consumer
Anne Birkholz		\$0.00	consumer
Andrew Fountain		\$0.00	consumer
Sandra Gerdes		\$0.00	consumer
Carol Bayzath		\$0.00	consumer
Toni Durigon		\$0.00	consumer
Bernadeta Wilk		\$0.00	consumer
Judy E. Davis		\$0.00	consumer
Jennifer Raffety		\$0.00	consumer
Teresa Bise		\$0.00	consumer
Darchelle King		\$0.00	consumer

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
**		**	**
Mary West		\$0.00	consumer
Earline Frazier		\$0.00	consumer
George Fortenberry		\$0.00	consumer
June Boatright		\$0.00	consumer
Chris Poeppel		\$0.00	consumer
Billy Hyatt		\$0.00	consumer
Bruce Guenther		\$0.00	consumer
Gail Frost		\$0.00	consumer
Treo Starley		\$0.00	consumer
Jewel Franks		\$0.00	consumer
David E. Lawrence		\$0.00	consumer
Amber Maxwell		\$0.00	consumer
Carolina Escobar		\$0.00	consumer
Joanne Kevish		\$0.00	consumer
Mary Lynn		\$0.00	consumer
Lori Baker		\$0.00	consumer
Susana Gomez		\$0.00	consumer
Terri Oak		\$0.00	consumer
Rodney W. Hook		\$0.00	consumer
Hiran Patel		\$0.00	consumer
Deborah J. Couch		\$0.00	consumer
Susan H. Post		\$0.00	consumer
Robert Cornell		\$0.00	consumer
Sharon Gibson		\$0.00	consumer
Tara Modig		\$0.00	consumer
Crystal Limbers		\$0.00	consumer

State's List of Consumer Victims

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
Sharon Ranard		\$0.00	consumer
Renee Dahl		\$0.00	consumer
Lorna Nestle		\$0.00	consumer
Phuong Le		\$0.00	consumer
Denise Wishman		\$0.00	consumer
Lori Slay		\$0.00	consumer
Christine Horwhat		\$0.00	consumer
Catherine Spindler		\$0.00	consumer
Beth Brewer		\$0.00	consumer
Leslie Sizemore		\$0.00	consumer
Memory Anne Morley		\$0.00	consumer
Divendra Etwaroo		\$0.00	consumer
Barbara Henderson		\$0.00	consumer
Donald Brown		\$0.00	consumer
Steve Lloyd		\$0.00	consumer
Agatha Schassow		\$0.00	consumer
Ethan Noam		\$0.00	consumer
Thomas Scott		\$0.00	consumer
Betty Camacho		\$0.00	consumer
George Porter		\$0.00	consumer
Dennis Baskin		\$0.00	consumer
Patricia Hedges		\$0.00	consumer
Susan Wilcox		\$0.00	consumer
Johnny Yarnell		\$0.00	consumer
Phyllis Saksa		\$0.00	consumer
Marilyn Hernandez		\$0.00	consumer
Michael Girardin		\$0.00	consumer

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
Mary Joicia		\$0.00	consumer
Kathryn Luna		\$0.00	consumer
Peggy Hermann		\$0.00	consumer
Becky Wageman		\$0.00	consumer
Allene Cassagnol		\$0.00	consumer
Connie Koutz		\$0.00	consumer
Don Harris		\$0.00	consumer
Clarice Maurer		\$0.00	consumer
Russell Patterson		\$0.00	consumer
Cathy Smith		\$0.00	consumer
Rosemary Jones		\$0.00	consumer
Monica Douglas		\$0.00	consumer
Alissa Combs		\$0.00	consumer
Michelle Wassell		\$0.00	consumer
Elizabeth Cobb		\$0.00	consumer
Judye Mangan		\$0.00	consumer
John C. Stuart		\$0.00	consumer
Amelia Apgar		\$0.00	consumer
Irish Smith		\$0.00	consumer
Michael Boudwin		\$0.00	consumer
Myrna Gillespie		\$0.00	consumer
Anne Wilson		\$0.00	consumer
Tom Lehman		\$0.00	consumer
Tsagaantsetseg Raash		\$0.00	consumer
Kathleen Roberts		\$0.00	consumer
Julie Farrow		\$0.00	consumer
Charlene McKelvey		\$0.00	consumer

State's List of Consumer Victims

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
**		**	**
Anthony G. Mize		\$0.00	consumer
Barbara Janssen		\$0.00	consumer
Jennifer Arkland		\$0.00	consumer
Stefany Taylor		\$0.00	consumer
Karen Reynolds		\$0.00	consumer
Mary Thorson		\$0.00	consumer
Vanley Akers		\$0.00	consumer
Rui Grabowski		\$0.00	consumer
Kelli Dean		\$0.00	consumer
Victoria Utesch		\$0.00	consumer
Joyce Davidson		\$0.00	consumer
Delmar Albertson		\$0.00	consumer
Rayetta Johnson		\$0.00	consumer
Miriam V. Brown		\$0.00	consumer
Brooke Schimansky		\$0.00	consumer
Birgit Johnson		\$0.00	consumer
Carol McCauley		\$0.00	consumer
Matthew Brown		\$0.00	consumer
Kip L. Holmes		\$0.00	consumer
Kristin Rudd		\$0.00	consumer
Gabrielle Mrochek		\$0.00	consumer
Fred Russell		\$0.00	consumer
Kristen Talbert		\$0.00	consumer
Basil Ioannou		\$0.00	consumer
Lisa Cozzolino		\$0.00	consumer

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
Dawn Presnall-Harris		\$0.00	consumer
Sarah J. Hillman		\$0.00	consumer
Donald & Karen Powell		\$0.00	consumer
Wolf & Debra Mehling		\$0.00	consumer
Lauren Vaughan		\$0.00	consumer
Carrie McFaul		\$0.00	consumer
Robin Koopman		\$0.00	consumer
Cheri Axt		\$0.00	consumer
Connie Zurvalec		\$0.00	consumer
Stewart Hickman		\$0.00	consumer
Elaine Magee		\$0.00	consumer
Desmond Young		\$0.00	consumer
Naomi Faulkner		\$0.00	consumer
William Adams		\$0.00	consumer
Lamonte W. Thompson		\$0.00	consumer
Sydney Ballard		\$0.00	consumer
James Rode		\$0.00	consumer
Tekla Frederick		\$0.00	consumer
Dawn Frehse		\$0.00	consumer
Melissa Bellanca		\$0.00	consumer
Lisa Fortney		\$0.00	consumer
Barbara White		\$0.00	consumer
Al Theeuwes		\$0.00	consumer
Kim Metz		\$0.00	consumer
Berenice Robledo		\$0.00	consumer
Susan Brennan		\$0.00	consumer

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
Hilma Keever		\$0.00	consumer
Patricia Schnieders		\$0.00	consumer
Jordan Borges		\$0.00	consumer
Joe Lubbers		\$0.00	consumer
Joginder Singh		\$0.00	consumer
Cindy Dyrda		\$0.00	consumer
Dale & Audrey Thompson		\$0.00	consumer
Megan Bauman		\$0.00	consumer
Bessie Williams		\$0.00	consumer
Jennifer Moore		\$0.00	consumer
Andres Bravo		\$0.00	consumer
Pauline Moll		\$0.00	consumer
Marie McGlinn		\$0.00	consumer
Rina Smith		\$0.00	consumer
Heather Lomas		\$0.00	consumer
Kathryn A. Lawrence		\$0.00	consumer
Sarah Walker		\$0.00	consumer
Melinda M. Maxwell		\$0.00	consumer
Glen Daniel		\$0.00	consumer
Walter Gray		\$0.00	consumer
Joseph A. Selevan		\$0.00	consumer
Amber Wolff		\$0.00	consumer
Juanita Squire		\$0.00	consumer
Tommie Culbreath		\$0.00	consumer
Kimberly Green		\$0.00	consumer
Marilyn Fadenholz		\$0.00	consumer

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Address	Amount Owed	Role In Case
Michael E. Brady		\$0.00	consumer
Diane Wilhelm		\$0.00	consumer
Nell Levy		\$0.00	consumer
Kim Schulte		\$0.00	consumer
Susan W. Kinser		\$0.00	consumer
Linda Belthard		\$0.00	consumer
Sharon Dwyer		\$0.00	consumer
Sammy Nipper		\$0.00	consumer
Judy Gann		\$0.00	consumer
Sheila Stooksberry		\$0.00	consumer
Gary A. Fesenmeyer		\$0.00	consumer
Belinda Hacke		\$0.00	consumer
Clement Yacob		\$0.00	consumer
Katherine R. McCormack		\$0.00	consumer
Betty Stinnett		\$0.00	consumer
Edwina Bryan		\$0.00	consumer
Jacqueline L. Looney		\$0.00	consumer
Maria Johnson		\$0.00	consumer
Jason Parham		\$0.00	consumer
Penelope Mikulanka		\$0.00	consumer
Martha Gonzalez		\$0.00	consumer
Clint Froke		\$0.00	consumer
Curtis Cruz		\$0.00	consumer
Deborah Jones		\$0.00	consumer
Pamela DeRaddo		\$0.00	consumer

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
Greta Abel		\$0.00	consumer
Leslie Riggs		\$0.00	consumer
Beverly Exton		\$0.00	consumer
Alicia Haynes		\$0.00	consumer
Leticia Moreno		\$0.00	consumer
Michael W. Forker		\$0.00	consumer
Rebecca Michel		\$0.00	consumer
Gregory Glass		\$0.00	consumer
Dean Collier		\$0.00	consumer
Monica Bettencourt		\$0.00	consumer
Angelina Overhamm		\$0.00	consumer
Kathy Law		\$0.00	consumer
Christina Gallardo		\$0.00	consumer
Patty Hefner		\$0.00	consumer
Thomas Bailey		\$0.00	consumer
Jamie Thomas		\$0.00	consumer
Jeanette E. Summers		\$0.00	consumer
Yuriy Krylov		\$0.00	consumer
Robert C. Margerison		\$0.00	consumer
Sylvia Klave		\$0.00	consumer
Paula Clouse		\$0.00	consumer
Janice McGuinn		\$0.00	consumer
Andrea R. Brown		\$0.00	consumer
Angela Ross		\$0.00	consumer
John Zummo		\$0.00	consumer
Cheryl Jensen		\$0.00	consumer

State's List of Consumer Victims

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
Diane Giddens		\$0.00	consumer
Marie Chateau		\$0.00	consumer
Charles Yona		\$0.00	consumer
Denise Hallgwyn		\$0.00	consumer
Terrah Alexander		\$0.00	consumer
Garrett Galluppi		\$0.00	consumer
Sheila Dennehy		\$0.00	consumer
Mark Sanders		\$0.00	consumer
Linda Miller		\$0.00	consumer
Noel Isom		\$0.00	consumer
Nicole LaFollette		\$0.00	consumer
Matt Hoes		\$0.00	consumer
Naila Jabbour		\$0.00	consumer
John Weston		\$0.00	consumer
Charlene Tucker		\$0.00	consumer
Donald Jodon		\$0.00	consumer
Sherri Orr		\$0.00	consumer
Mark Klein		\$0.00	consumer
Victoria L. Adams		\$0.00	consumer
Diane Biles		\$0.00	consumer
Angela McDougal		\$0.00	consumer
Faith Hernandez		\$0.00	consumer
Stacy Steitz		\$0.00	consumer
Rodell Holley		\$0.00	consumer
Randy Reifschneider		\$0.00	consumer
Konnie Frickman		\$0.00	consumer
Rebecca Miller		\$0.00	consumer

State's List of Consumer Victims

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
**		**	**
Sheryl Williford		\$0.00	consumer
Mona Lisa Green		\$0.00	consumer
Lyle Lewis		\$0.00	consumer
Denise Socla		\$0.00	consumer
Pete Ramored		\$0.00	consumer
Sue Salsgiver		\$0.00	consumer
Billy & Lori Stallings		\$0.00	consumer
Linda A. Smith		\$0.00	consumer
Betty Hughes		\$0.00	consumer
Aimee Bejarano		\$0.00	consumer
Irene Gallegos		\$0.00	consumer
Gregg Waheed		\$0.00	consumer
Cynthia Stipech		\$0.00	consumer
Melissa J. Bonar		\$0.00	consumer
Julia Miller		\$0.00	consumer
Yvette Rodriguez		\$0.00	consumer
Laura McGuire		\$0.00	consumer
Rachael A. Ginder		\$0.00	consumer
Patty Major		\$0.00	consumer
Joseph Failagao		\$0.00	consumer
Marian Meadows		\$0.00	consumer
Kamela Soennichsen		\$0.00	consumer
Margaret Chamberlain		\$0.00	consumer
Charlotte Firestone		\$0.00	consumer
Jay Register		\$0.00	consumer

State's List of Consumer Victims

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
Carole R. Parks		\$0.00	consumer
Maggie Howlett		\$0.00	consumer
Patsy Deem		\$0.00	consumer
Vincent Lobe		\$0.00	consumer
Dorothy Losswell		\$0.00	consumer
Linda Ciccone		\$0.00	consumer
David Liebl		\$0.00	consumer
Joe Valdes		\$0.00	consumer
Dawn Smith		\$0.00	consumer
Doris Jalbert		\$0.00	consumer
Jerry W. Simmons		\$0.00	consumer
Karin Poore		\$0.00	consumer
Susan E. Watts		\$0.00	consumer
Dorothy Burriss		\$0.00	consumer
Teresa Krasowska		\$0.00	consumer
Ron White		\$0.00	consumer
Gina Akao		\$0.00	consumer
Tammy Olson		\$0.00	consumer
Christopher Karugu		\$0.00	consumer
Martha Baumann		\$0.00	consumer
Joseph Summa		\$0.00	consumer
Andrew Gunderson		\$0.00	consumer
Carlos Martinez		\$0.00	consumer
Jacki Alexander		\$0.00	consumer
Jose Contreras		\$0.00	consumer
Alexis Piersak		\$0.00	consumer

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
**		**	**
Susan Sinclair		\$0.00	consumer
Tracy Cartwright		\$0.00	consumer
Joanne Audette		\$0.00	consumer
Amit Seth		\$0.00	consumer
Ella Chapman		\$0.00	consumer
Donald C. Warren		\$0.00	consumer
Amber N. Rise		\$0.00	consumer
Lynn Roberts		\$0.00	consumer
Bill Fox		\$0.00	consumer
Karen Petracca		\$0.00	consumer
Adam Blake		\$0.00	consumer
Christine Brangi		\$0.00	consumer
Joyce Ginither		\$0.00	consumer
Sean Ryerse		\$0.00	consumer
Beverly Joberg		\$0.00	consumer
Jean Guilfof		\$0.00	consumer
Linda M. Miller		\$0.00	consumer
Randy Simer		\$0.00	consumer
Mary Kinkel		\$0.00	consumer
Sara Brown		\$0.00	consumer
Gail Pigeon		\$0.00	consumer
Maria Sipsis		\$0.00	consumer
Karen Heath		\$0.00	consumer
Gail Stino		\$0.00	consumer
Tatyana Fleksher		\$0.00	consumer

State's List of Consumer Victims

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Filter: Role In Case Containing Text "consumer" (610 of 649)

Full Name	Addresses	Amount Owed	Role In Case
Jentip Watanasookchai		\$0.00	consumer
Patience L'Heureux		\$0.00	consumer
Arthur Gustafson		\$0.00	consumer
Mechele Tunno		\$0.00	consumer
Marian Baldwin		\$0.00	consumer
Jamie M. Wilder		\$0.00	consumer
Christine Pierce		\$0.00	consumer
Gail Castrilla		\$0.00	consumer
Tina Palhegyi		\$0.00	consumer
Kristie Smith		\$0.00	consumer
Colette Beal		\$0.00	consumer
Raymond Bulles		\$0.00	consumer
Annette Barnett		\$0.00	consumer
Evangelina Lopez		\$0.00	consumer
Jean Painter		\$0.00	consumer
Brenda Niedert		\$0.00	consumer
Jerrold Dutton		\$0.00	consumer
Daniel Brooks		\$0.00	consumer
Sandra K. Thomas		\$0.00	consumer
Paula Lee		\$0.00	consumer

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION**

STATE OF INDIANA ex rel.)	
Attorney General STEPHEN CARTER,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:04-CV-001 RLY-WGH
)	
FOXFIRE, LLC,)	
d/b/a Institute of Natural Health,)	
d/b/a Premier Products,)	
)	
PHILLIPS NUTRITIONALS, INC.)	
d/b/a Institute of Natural Health,)	
d/b/a Foxfire Corporation,)	
d/b/a Premier Products,)	
)	
WAYNE PHILLIPS,)	
individually and as a manager)	
and owner of Foxfire, LLC and)	
as an officer and director of)	
Phillips Nutritionals, Inc.,)	
)	
and)	
)	
ANITA PHILLIPS,)	
individually and as a manager)	
and owner of Foxfire, LLC and)	
as an officer and director of)	
Phillips Nutritionals, Inc.,)	
)	
Defendants.)	

**STIPULATION AS TO ENTRY OF PERMANENT INJUNCTION
AND FINAL JUDGMENT AS TO ALL DEFENDANTS**

Plaintiff, State of Indiana, by counsel Attorney General Stephen Carter and Deputy
Attorney General Justin G. Hazlett, and Defendants Foxfire, LLC, Phillips Nutritionals, Inc.,
Wayne Phillips, and Anita Phillips, by counsel Douglas W. Patterson, stipulate and consent to

the entry of the Permanent Injunction and Final Judgment as to All Defendants in this civil action, attached as Exhibit A. The parties stipulate to the entry of this Permanent Injunction and Final Judgment as to All Defendants without the taking of proof and without it constituting evidence or an admission by Defendants regarding any issue of fact alleged in the Complaint, and without Defendants admitting any liability. The parties further stipulate that:

1. The United States District Court for the Southern District of Indiana (the “Court”) has jurisdiction over the subject matter of, and the parties to, this civil action.

2. The injunctive provisions of the Permanent Injunction and Final Judgment as to All Defendants apply to Defendants and to their agents, assigns, employees, and representatives; to all persons acting by, through, under, or on behalf of Defendants; and to all persons acting in concert with or participating with Defendants who have actual or constructive knowledge of this Permanent Injunction and Final Judgment as to All Defendants.

3. Defendants, jointly and severally, agree to be permanently enjoined and restrained as more fully set forth in the attached Permanent Injunction and Final Judgment as to All Defendants. Defendants stipulate to take all actions necessary to comply with said injunction and to remove any threat of violation of said injunction.

4. The Permanent Injunction and Final Judgment as to All Defendants disposes only of the issue of injunctive relief sought by Plaintiff. It does not dispose of other issues in this civil action related to Defendants’ liability or to consumer restitution, civil penalties, costs, or other relief Defendants might be adjudged to owe as a result of such liability. Such issues are still pending in this civil action.

5. The Court retains jurisdiction over this matter for the purpose of enabling any party to the Permanent Injunction and Final Judgment as to All Defendants to apply to the Court

at any time for such further orders and directions as may be necessary and appropriate for the construction or carrying out of the Permanent Injunction and Final Judgment as to All Defendants, for the modification of any of the injunctive provisions of it, for the enforcement of compliance with it, or for the punishment of violations of it.

6. Defendants each acknowledge and knowingly, intelligently, and voluntarily waive their right to appeal from the issuance and contents of the Permanent Injunction and Final Judgment as to All Defendants.

STATE OF INDIANA
Attorney General Stephen Carter

FOXFIRE, LLC

By: _____
Justin G. Hazlett
Deputy Attorney General
Attorney No. 22046-49
Date: _____

By: _____
Printed: _____
Title: _____
Date: _____

PHILLIPS NUTRITIONALS, INC.

By: _____
Printed: _____
Title: _____
Date: _____

WAYNE PHILLIPS

Wayne Phillips
Date: _____

ANITA PHILLIPS

Anita Phillips
Date: _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION**

STATE OF INDIANA ex rel.
Attorney General STEPHEN CARTER,

Plaintiff,

v.

Civil Action No. 3:04-CV-001 RLY-WGH

FOXFIRE, LLC,

d/b/a Institute of Natural Health,

d/b/a Premier Products,

PHILLIPS NUTRITIONALS, INC.

d/b/a Institute of Natural Health,

d/b/a Foxfire Corporation,

d/b/a Premier Products,

WAYNE PHILLIPS,

individually and as a manager
and owner of Foxfire, LLC and
as an officer and director of
Phillips Nutritionals, Inc.,

and

ANITA PHILLIPS,

individually and as a manager
and owner of Foxfire, LLC and
as an officer and director of
Phillips Nutritionals, Inc.,

Defendants.

PERMANENT INJUNCTION AND FINAL JUDGMENT AS TO ALL DEFENDANTS

Plaintiff, State of Indiana, by counsel Attorney General Stephen Carter and Deputy
Attorney General Justin G. Hazlett, and Defendants Foxfire, LLC, Phillips Nutritionals, Inc.,
Wayne Phillips, and Anita Phillips, by counsel Douglas W. Patterson, stipulate and consent to

the entry of this Permanent Injunction and Final Judgment as to All Defendants. The parties have stipulated to the entry of this Permanent Injunction and Final Judgment as to All Defendants without the taking of proof and without it constituting evidence or an admission by Defendants regarding any issue of fact alleged in the Complaint, and without Defendants admitting any liability. The Court has considered this civil action and the pleadings in it, and hereby **ORDERS, ADJUDGES, AND DECREES** that:

1. This Court has jurisdiction over the subject matter of, and the parties to, this civil action.

2. The injunctive provisions of this Permanent Injunction and Final Judgment as to All Defendants apply to Defendants and to their agents, assigns, employees, and representatives; to all persons acting by, through, under, or on behalf of Defendants; and to all persons acting in concert with or participating with Defendants who have actual or constructive knowledge of this Permanent Injunction and Final Judgment as to All Defendants.

3. Defendants, jointly and severally, are permanently enjoined and restrained from planning, implementing, conducting, or otherwise participating with in any way any telemarketing campaign directed to or soliciting orders from individuals purchasing goods or services for primarily personal, family, or household purposes (hereinafter referred to as

"consumers"). *This provision shall not be construed to prohibit Defendants from engaging in wholesale transactions with third party suppliers. DWA*

4. Defendants, jointly and severally, are permanently enjoined and restrained from:

a. Violating Ind. Code § 24-5-0.5-3(a)(8) by misrepresenting to any consumer that a consumer transaction provides the consumer with the right to receive and use product for a trial period without incurring more than shipping and handling charges; by misrepresenting to any consumer, any consumer's financial institution, or any other

person either 1) that a consumer whose account Defendants charge has authorized Defendants to submit the charge or 2) that a consumer whose account Defendants charge is obligated to pay the charge submitted by Defendants; by otherwise misrepresenting that any consumer transaction involves a right or obligation that Defendants know or reasonably should know the transaction does not involve; or in any other way;

b. Violating Ind. Code § 24-5-0.5-3(a)(1) by misrepresenting that the subject of any consumer transaction includes the characteristic or benefit of providing any consumer the right to receive and use product for a trial period without incurring more than shipping and handling charges; by otherwise misrepresenting that the subject of any consumer transaction has a characteristic or benefit that Defendants know or reasonably should know the subject of the consumer transaction does not have; or in any other way;

c. Violating Ind. Code § 24-5-0.5-3(a)(14) by engaging in the replacement of product without a consumer's authorization, when Defendants know or reasonably should know that the consumer has not authorized such replacement; or in any other way;

d. Violating Ind. Code § 24-5-0.5-3(a)(7) by misrepresenting third party sponsorship, approval, or affiliation in any consumer transaction; or in any other way;

e. Violating any other provision of Indiana's Deceptive Consumer Sales Act, currently codified at Ind. Code §§ 24-5-0.5-1 through -12; and

f. Submitting any charge to any consumer's credit card, bank, or other financial account without express authorization from that consumer, or contrary to the terms set forth in the solicitation made by Defendants or Defendants' representative to the consumer.

5. This Permanent Injunction and Final Judgment as to All Defendants disposes only of the issue of injunctive relief sought by Plaintiff. It does not dispose of other issues in this civil action related to Defendants' liability or to consumer restitution, civil penalties, costs, or other relief Defendants might be adjudged to owe as a result of such liability. Such issues are still pending in this civil action.

6. This Court retains jurisdiction over this matter for the purpose of enabling any party to this Permanent Injunction and Final Judgment as to All Defendants to apply to the Court at any time for such further orders and directions as may be necessary and appropriate for the construction or carrying out of the Permanent Injunction and Final Judgment as to All Defendants, for the modification of any of the injunctive provisions of it, for the enforcement of compliance with it, or for the punishment of violations of it.

7. By stipulation of all parties filed with this Court, Defendants have acknowledged and waived their right to appeal from the issuance and contents of this Permanent Injunction and Final Judgment as to All Defendants. Based upon this stipulation, the Court finds that such waivers, being knowingly, intelligently, and voluntarily made, are valid and, accordingly, further orders that no appeal be taken from the issuance and contents of this Permanent Injunction and Final Judgment as to All Defendants.

8. There is no just reason for delay and the clerk shall enter this Permanent Injunction and Final Judgment as to All Defendants immediately.

9. This Permanent Injunction and Final Judgment as to All Defendants shall take effect immediately upon its entry.

Dated: _____

Judge
U.S. District Court for the
Southern District of Indiana